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9 **Attorneys for Plaintiff**
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **Garden City Boxing Club, Inc.**

14 **Plaintiff,**

15 **vs.**

16 **Miguel Juarez Zavala, et al.**

17 **Defendant.**

18 **CASE NO. CV 07-5925 MMC**

19 **DECLARATION OF AFFIANT**

20 **TO THE CLERK OF THE COURT:**

21 A true and correct copy of the Declaration of Affiant is attached hereto and made part hereof.

22 Respectfully submitted:

23 Date: July 15, 2008

24 /s/ Thomas P. Riley

25 **LAW OFFICES OF THOMAS P. RILEY, P.C.**

26 By: Thomas P. Riley

27 Attorneys for Plaintiff

28 Garden City Boxing Club, Inc.

STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

AFFIDAVIT

I, the undersigned, being duly sworn according to law deposes and says, that on November 27, 2004 at 9:00 P.M., I entered the Tijuana Mike's located at 200 San Joaquin, Antioch, CA 94509.

I paid a cover charge of \$0.00 to enter this establishment. I ordered no drinks from the Bartender who is described as: A Hispanic Male Adult, approximately 5'9, large built approximately 30, and a black mustache. He was being assisted by a Hispanic Female Adult, approximately 5'2, 115 lbs. approximately 21 years old with a long black pony tail

I observed 1 television located inside this establishment. The television can be described as follows: 27 inch television located above the bar.

At the time I was inside the above establishment, I observed the following program on the above television: The National anthem was just finishing and showing an African American male adult singer, large build with dreadlocks his name was not mentioned. Jim Lampley was speaking primarily about Barrera's career, as he began boxing at 14 years (the room was very loud and the announcer may have said 16 years old) while they flashed pictures of Barrera's training and weight room. Barrera began to enter the ring with his entourage, wearing a dark blue robe with white trim and the word ESTO on the left upper front of the robe.

I also observed the following distinguishing items inside the establishment: Advertisements for Tijuana Mikes Happy Hour on Tuesdays.

This establishment rates Fair. The capacity of this establishment is approximately 20 people. At the time of my appearance I counted the number of patrons three (3) separate times. The head counts were 24, 24 and 24. I left the above establishment at 9:21 P.M. on November 27, 2004.

I also observed the following license plates in the parking lot
1) 5AHP139 2) 6V38261 3) 2Z50636
4) 5FRF636 5) 4CGZ647

Date: 12/8, 2004


Signature of Investigator

Jeffery Kaplan
Name of Investigator (Printed)

Complete Investigations
Investigative Agency

925-827-2231
Telephone Number of Agency

NOTARY

On December 8th 2004, before me, MARLA ANNE POWERS Notary Public,
personally appeared JEFFERY KAPLAN [] personally known to me --- or --- [☒]
proved to me on the basis of satisfactory evidence to be the person whose name is subscribed ^{and signed to me} to the within
instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that
by his/her signature on the instrument the person or the entity upon behalf of which the person acted,
executed the instrument.

WITNESS my hand and official seal.

Marla Anne Powers
Signature of Notary





California Department of Alcoholic Beverage Control
License Query System Summary
as of 12/7/2004

License Information	
License Number: 412027	Status: ACTIVE
Primary Owner: ZAVALA CORPORATION	
ABC Office of Application: OAKLAND	
Business Name	
Doing Business As: TIJUANA MIKES MEXICAN RESTAURANT & TEQUILA BAR	
Business Address	
Address: 200 SAN JOAQUIN AVE	Census Tract: 3080.01
City: ANTIOCH	County: CONTRA COSTA
State: CA	Zip Code: 94509
Licensee Information	
Licensee: ZAVALA CORPORATION	
Company Officer Information	
Officer: ZAVALA MIGUEL JUAREZ, PRESIDENT/SECRETARY	
License Types	
1) License Type: 47 - ON-SALE GENERAL EATING PLACE	
License Type Status: ACTIVE	
Status Date: 01-JUN-2004	Term: Month(s)
Original Issue Date: 01-JUN-2004	Expiration Date: 31-MAY-2005
Master: Y	Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On:	From: 370332
2) License Type: 30 - TEMPORARY PERMIT	
License Type Status: ISSUE	
Status Date: 09-APR-2004	Term: Month(s)
Original Issue Date:	Expiration Date:
Master: Y	Duplicate: 1 Fee Code: NA
Current Disciplinary Action	
... No Active Disciplinary Action found ...	
Disciplinary History	
... No Disciplinary History found ...	
Hold Information	
... No Active Holds found ...	

--- End of Report ---

For a definition of codes, view our [glossary](#).

California Business Portal

Summary of Data Retrieved by

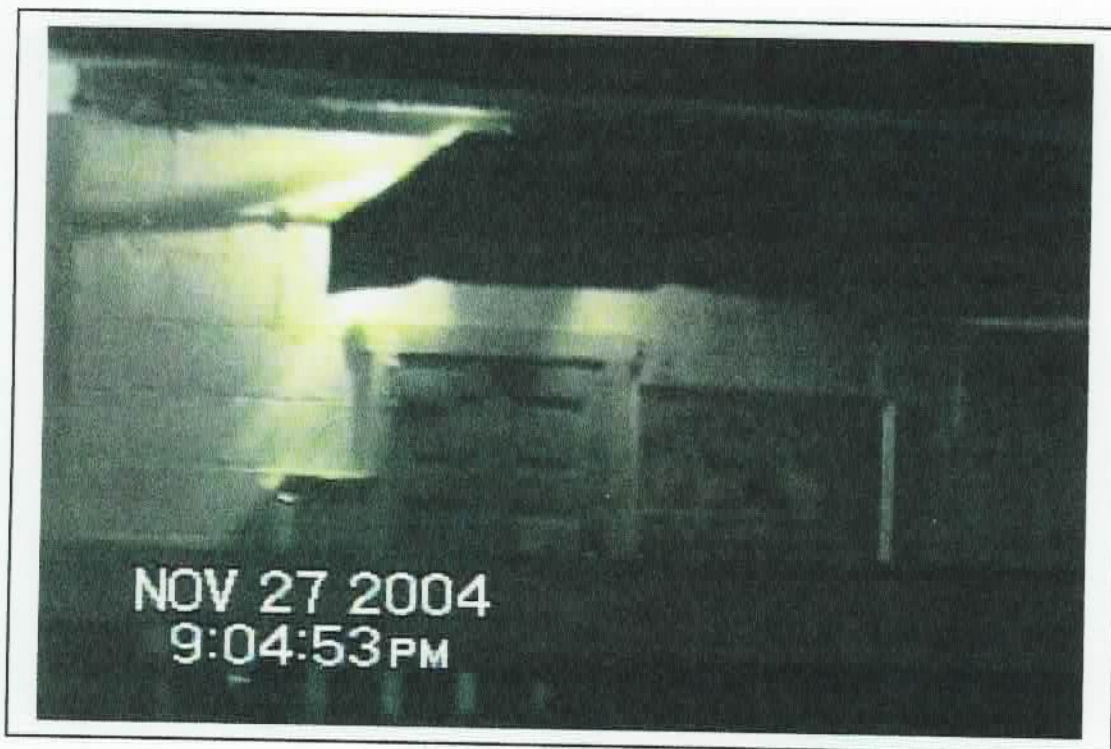
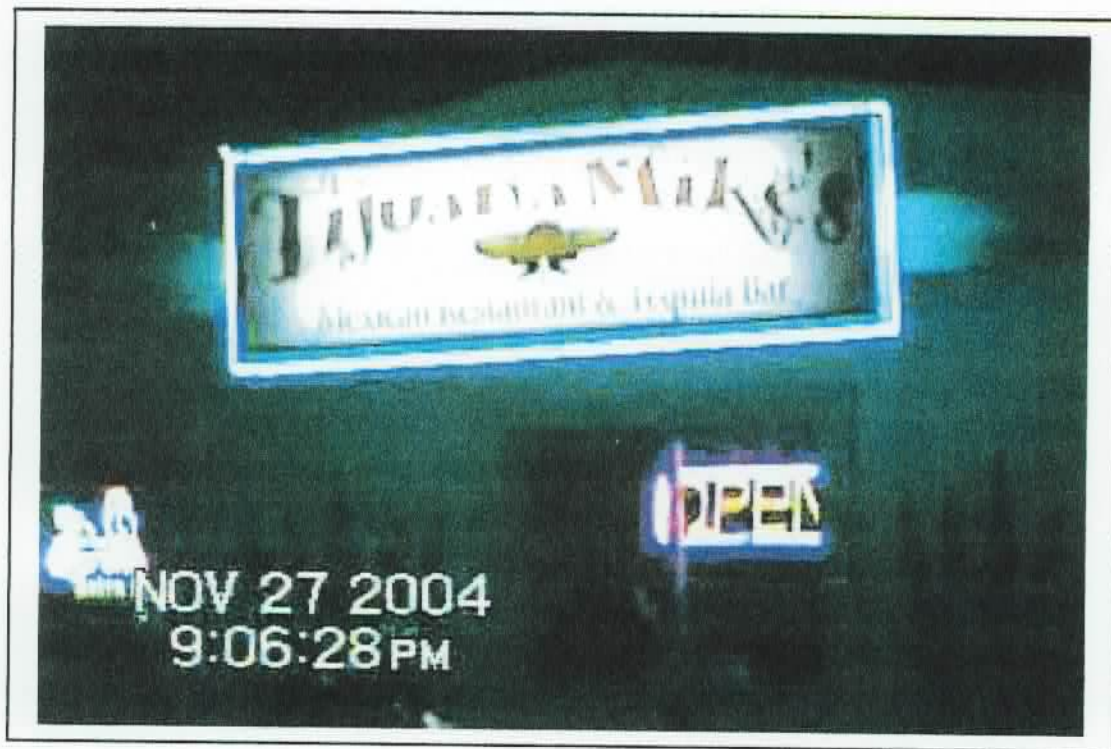
DISCLAIMER: The information displayed here is current as of DEC 03, 2004 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
ZAVALA CORPORATION		
Number: C2604755	Date Filed: 1/30/2004	Status: active
Jurisdiction: California		
Address		
200 SAN JOAQUIN AVE		
ANTIOCH, CA 94509		
Agent for Service of Process		
MIGUEL ZAUALA		
2316 COOLEY AVE		
E PALO ALTO, CA 94303		

For information about certification of corporate records or for additional corporate information, please refer to Corporate Records. If you are unable to locate a corporate record, you may submit a request to this office for a more extensive search. Fees and instructions for requesting this search are included on the Corporate Records Order Form.

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.



PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On July 15, 2008, I served:

DECLARATION OF AFFIANT

On all parties referenced by enclosing true copies thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Miguel Juarez Zavala (Defendant)
2316 Cooley Avenue
East Palo Alto, CA 94303

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on July 15, 2008, at South Pasadena, California.

Dated: July 15, 2008

/s/ Emily Stewart
EMILY STEWART